IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5780 OF 2005

Munat Yunus Waste. ... Applicant.
Versus.
The State of Maharashtra. ... Respondents.

Shri C.K.Pendse for the Applicant.

Shri A.S.Gadkari, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 14th Sept., 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State.

2. The learned Advocate for the Applicant submitted that it is the Applicant and his relative who have admitted the deceased in the hospital. He submitted that the parents of the Applicant have been enlarged on bail. He submitted that there is no direct evidence of involvement of the Applicant in the offence.

3. The learned A.P.P. has placed on record for my perusal the relevant material collected during the investigation and submitted that no case is made out for grant of bail.

4. I have considered the submissions. Though there is no direct evidence, it appears that there is recovery of

blood stained cloths of the Applicant and there is recovery of knife at the instance of the Applicant from his house. Column 17 of the Post-mortem notes shows that there are corresponding injuries on the person of the deceased which could have been caused by a knife. The cause of death as reflected from the Post-mortem notes is "Haemorhagic shock due to aortic tear and mesenteric vessel tear in a case of penetrating abdominal injury".

5. In my view, there is sufficient evidence on record to indicate complicity of the Applicant. Considering the material on record and the motive alleged, the Applicant is not entitled to be enlarged on bail. Hence the Criminal Application is rejected. However, trial is expedited.

Judge.